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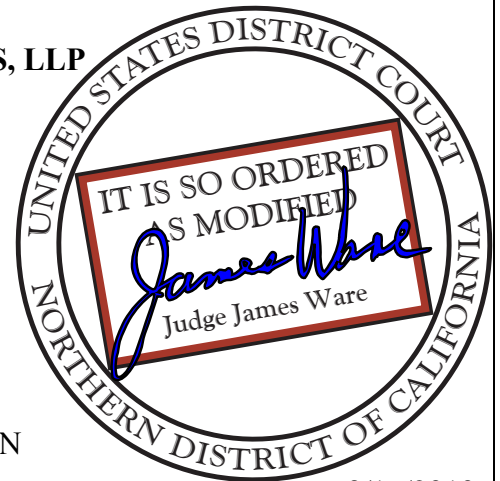
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Attorneys for Defendant ACER AMERICA CORPORATION



3/16/2010

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SAN JOSE DIVISION

KEVIN EMBRY, an individual, on behalf of
himself, the general public and those similarly
situated

Plaintiff,

v.

ACER AMERICA CORPORATION; AND
DOES 1 THROUGH 50

Defendants

CASE NO. CV-09-01808 (JW)

**STIPULATION TO FURTHER
CONTINUE CLASS CERTIFICATION
DISCOVERY CUTOFF AND BRIEFING
SCHEDULE**

TO THE COURT:

WHEREAS, pursuant to the parties' stipulation of October 29, 2009, the Court has set the following schedule for class certification: discovery cutoff on March 5, 2010; motion due March 22, 2010; opposition due April 5, 2010; reply due April 9, 2010; hearing April 26, 2010;

WHEREAS, the parties have engaged in substantial discussions about possible structures to settle this case;

WHEREAS, on February 17, 2010, Defendant produced versions of the Windows operating system that were installed on Acer computers sold in the United States during the proposed class period;

WHEREAS, Defendants are still in the process of preparing a list showing which version of the operating system was installed on each model computer it sold;

WHEREAS, Plaintiffs have retained an expert to identify any differences between (1) the versions of the Windows operating system that were installed on the Acer computers and (2) the same-named versions of the Windows operating system that were sold at retail and/or available under Microsoft's standard OEM license;

WHEREAS, Plaintiffs' expert estimates that he will complete the analysis by April, 2010;

WHEREAS, after the expert analysis is complete, the parties will need additional time to continue their settlement discussions;

WHEREAS, the parties believe these settlement discussions will be most likely to succeed if the class certification discovery cutoff and briefing schedule are further continued;

NOW THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE that the dates for class certification, including the discovery cut-off date, should be extended for approximately 120 days, so that the new dates will be as follows:

Discovery Cutoff: **April 5, 2010**

Motion Due: **April 26, 2010**

Opposition Due: **May 17, 2010**

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Reply Due: **May 31, 2010**

Hearing: **June 21, 2010 at 9:00 AM.**

The Case Management Conference set for April 26, 2010 at 10:00 AM is also continued to **June 21, 2010 at 10:00 AM.** The parties are to file joint case management conference statement on or before **June 11, 2010.**

DATED: March 5, 2010

GUTRIDE SAFIER LLP

By: /s/ Adam Gutride

Adam Gutride

Seth A. Safier

Attorneys for Plaintiff Kevin Embry

DATED: March 5, 2010

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

By: /s/ Jeff McFarland

Jeffery D. McFarland

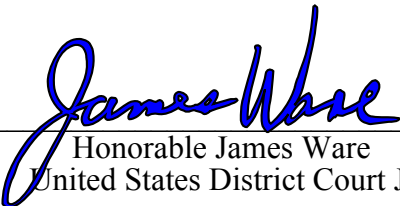
Stan Karas

A.J. Bedel

Attorneys for Defendant Acer America
Corporation

FOR GOOD CAUSE SHOWN, IT IS SO ORDERED **AS MODIFIED**

DATED: March 16, 2010



Honorable James Ware
United States District Court Judge